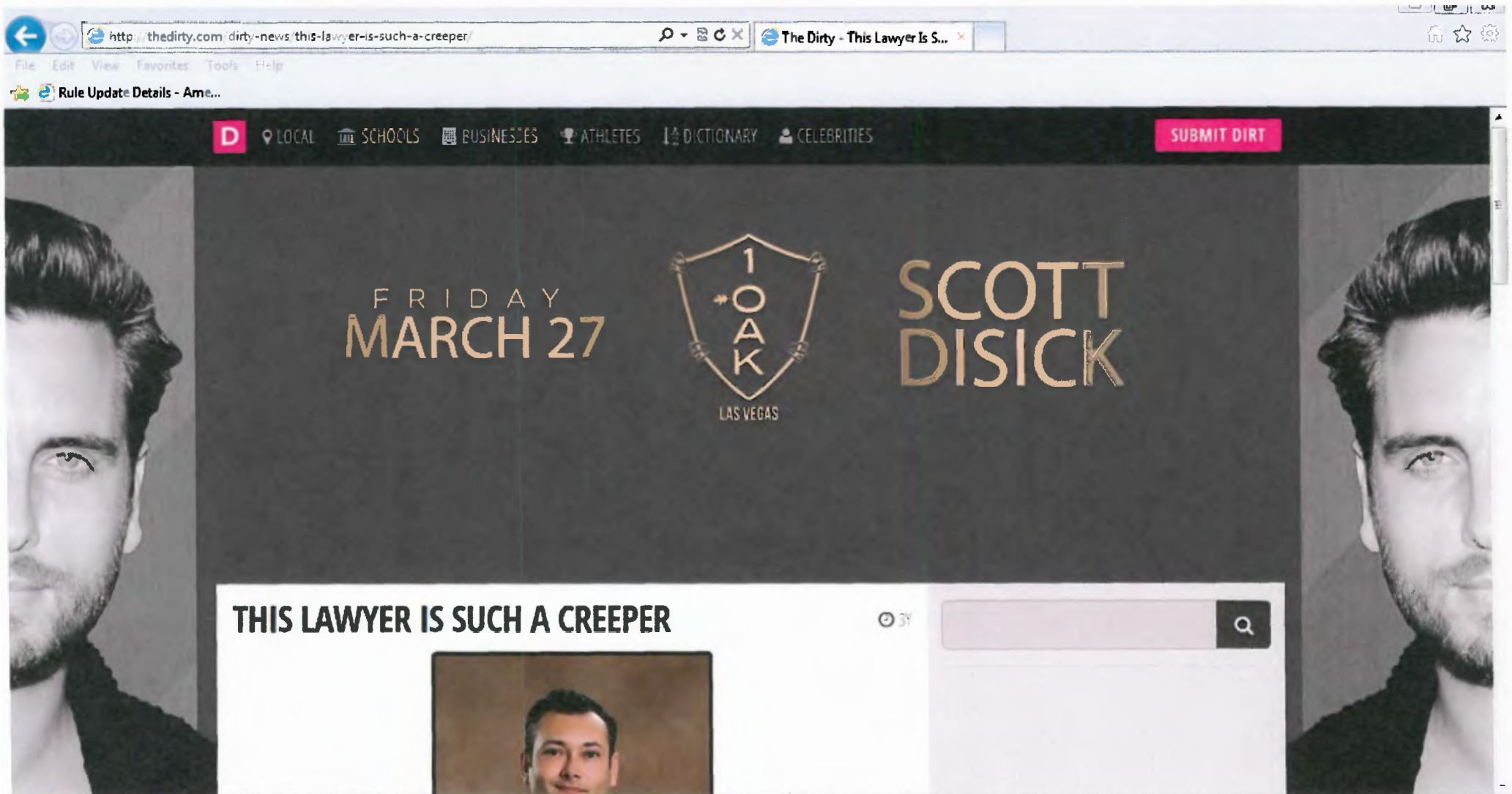


# EXHIBIT E





**THE DIRTY ARMY:** Nik. Mr. Peter Stronjnik some idiot lawyer in downtown phx has hit on my girlfriend numerous times over the last couple of months while she is walking between office buildings. He left a business card with the security lady at the bottom on the building with a note on the back asking to take her to lunch and get to know her better if she would give him a chance. Well we googled him and in his 'spare time' he apparently likes to go to church and spend time with his wife and children...and creep on 24 year olds...stop creeping, creep. I'm sure he will be making you take this post down cause he is a lawyer, but still post it for long as you can.

Can you please scan his business card with the note on the back for TheDirty. It is not for me... it is to show God what he is doing.- nik

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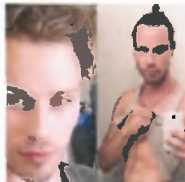
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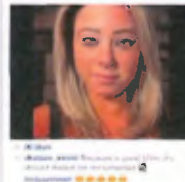
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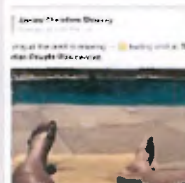
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### The Real ICK

41 comments · 5 hours ago



Atom — Ummm...FAIL, at Photoshop here!!!! Look at how the car "bends" What an idiot.

### Douchy Vandirty Lawyer

1 comment · 16 hours ago



kandy kisses — he's a lawyer that's what they do.

WHAT'S THIS?

Tweets by @nikrichie



### Please Put Tricia Evans On Blast

124 comments · 7 hours ago



Guest — the trolls that are posting this girl are all GUESTS for some odd reason, and all with different names

### Eran Haroni Is So Delusional

23 comments · 10 hours ago



Nikki — Strongly agree! Next up will probably be 'ting' 'dat' or 'dem' Gtfoh with that shit



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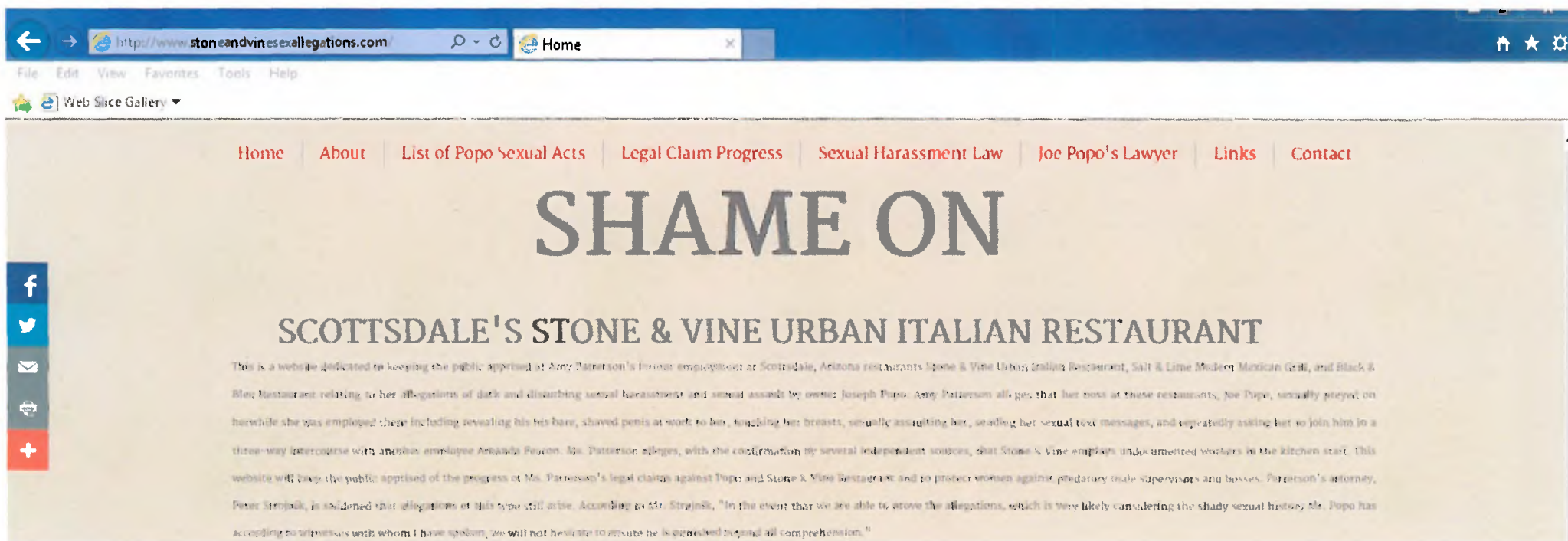
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# EXHIBIT F





## THE ALLEGATIONS

Amy Patterson resigned from Stone & Vine effective December 2014 because of Popo's alleged sexual predatory nature. Patterson alleges that Popo did the following to her: (1) dropped his pants, **revealed and touched his penis in front of her**, and asked her if she wanted it; (2) **sexually assaulted her at the workplace**; (3) touched her breasts; (4) attempted to reach under her skirt; (5) rubbed his penis from outside of pants while talking with her; and (6) **repeatedly asked her to have sex with him**. Additionally, after speaking with several witnesses, it is alleged that Popo's restaurants knowingly employ undocumented workers.

## AMY PATTERSON



## SEXUAL

**HARRASSMENT LAW**  
Women victimized through sexual harassment and sexual abuse/assault can find protection pursuant to federal law and common law. In federal law, women can sue their employer pursuant to Title VII of the Civil Rights Act, which proscribes sexual harassment against women at the workplace. Under common law, if a woman has been sexually assaulted by an employee at the workplace, she can sue the employer and/or the employee for battery and assault. In the case of Joe Popo and his three restaurants, Ms. Patterson is bringing legal claims pursuant to federal and common law. She is seeking compensatory and punitive damages. Please review our Sexual Harrassment Law page for more information about the law.



← → http://www.stoneandvinesexuallegations.com/about.ht About

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# SHAME ON

## SCOTTSDALE'S STONE & VINE URBAN ITALIAN RESTAURANT

### THE ALLEGATIONS

After working from New Mexico, Amy Patterson began working for Stone & Vine as a server in September 2011. Stone & Vine is an Italian restaurant located in Scottsdale, Arizona. Unbeknownst to Patterson, she was promoted to general manager of the restaurant. Beginning in 2012, her immediate supervisor and owner of the restaurant, Joseph Popo, began to make inappropriate and disturbing sexual advances toward Patterson. It was at this time that Mr. Popo began to take a sexual interest in Ms. Patterson despite the fact that Mr. Popo was married with children. At the time, Mr. Popo was also having a sexual affair with another restaurant employee, Amanda Pearson. This new sexual interest in Ms. Patterson was in the form of demands for sexual encounters, exposing his penis to Ms. Patterson and asking her if she wanted it, touching her breasts without permission, rubbing his body against her breasts, attempting to reach under her skirt or dress, sexually assaulting her, rub his penis from the outside of his pants while speaking with her, request that she have a "theresom" with him and another employee Amanda Pearson, and send her sexually suggestive text messages, in which some of them would refer to her daughter and her friends and the word "fucking" used in the last text message string.

**Attorney Peter Strojnik**

Mr. Strojnik and I have helped the Strojnik Firm, LLC to aggressively prosecute the degenerate Popo and his three restaurants. "I am deeply disturbed and shocked that men will prey on women in the workplace as Mr. Patterson alleges Mr. Popo did to her," Peter Strojnik, The Strojnik Firm LLC. "What makes these allegations worse is that the witnesses with whom I have spoken have confirmed two past sexual harassment settlements with Mr. Popo, which shows that both Mr. Popo and his restaurants do not learn from past mistakes. In the event these allegations are proven to be true, I will ensure that Mr. Popo and his restaurants are punished mercilessly in a court of law." Mr. Strojnik added, "Ms. Patterson is such a strong and confident woman. I am proud that she is standing up to a man like Mr. Popo." For more information about Mr. Strojnik's practice or if you have additional information about Mr. Popo, please visit the [Strojnik's website](#) or the "Contact Us" page on this website.

← http://www.stoneandvinesexallegations.com/list-of-p List of Popo Sexual Acts

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# SHAME ON

## SCOTTSDALE'S STONE & VINE URBAN ITALIAN RESTAURANT

This page lists all of the alleged sexual acts Joseph Popo took toward Amy Patterson in the workplace:

1. Popo said to Ms. Patterson "I heard you suck pretty good dick."
2. Popo said to Ms. Patterson "Your tits are getting smaller."
3. Popo grabbed Ms. Patterson and forced his tongue down her throat.
4. Popo repeatedly grabbed Ms. Patterson's breasts.
5. Popo repeatedly grabbed Ms. Patterson's butt.
6. In numerous conversations between Popo and Ms. Patterson, Popo would rub his penis from the outside of his pants and ask Mr. Patterson to suck it.
7. On several occasions, Popo would show Ms. Patterson his erect penis through his pants.
8. On multiple occasions, Popo would ask Ms. Patterson to make out with Amanda Fearon while he watched.
9. Popo repeatedly grabbed the waistline of Ms. Patterson's pants and looked inside.
10. On multiple occasions, Popo would aggressively pressure Ms. Patterson to have a threesome with him and Amanda Fearon.
11. Popo asked Ms. Patterson to describe how she masturbates.
12. Popo would send Ms. Patterson derogatory text messages such as the following: "I'm your boss when you are on your knees I'm grabbing your hair and my cock is throbbing in your mouth."
13. Popo would repeatedly tell Ms. Patterson that "I want you to get on your knees."
14. Popo repeatedly would attempt to reach his hands underneath Ms. Patterson's skirt.
15. Popo repeatedly would accuse Ms. Patterson of being scared to have an affair with him.
16. Popo demanded sexual intercourse with Ms. Patterson because he "has to go on vacation with my wife."
17. On repeated occasions, Popo would grab Ms. Patterson's hips from behind her and thrust his penis against her pelvis repeatedly.
18. Popo revealed his bare penis to Ms. Patterson and demanded sexual relations.

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Stone & Vine

← <http://www.stoneandvinesexualallegations.com/legal-claim-progress> Legal Claim Progress

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# SHAME ON

## SCOTTSDALE'S STONE & VINE URBAN ITALIAN RESTAURANT

**February 1, 2015:** Patterson files three Charges of Discrimination with the Equal Employment Opportunity Commission against Stone & Vine Urban Italian Restaurant, Salt & Lime Modern Mexican Grill, and Black & Bleu Restaurant. In the Charges, Patterson alleges that the common owner of these restaurants, Joe Popo, actually assaulted her and made unwanted sexual advances upon her at the workplace. The federal Charges of Discrimination can be found [here](#).

**February 1, 2015:** Website [www.stoneandvinesexualallegations.com](http://www.stoneandvinesexualallegations.com) opens.

**February 1, 2015:** Posting to facebook page for Stone & Vine providing a link to this website. Several hours later, the link to this website was removed.

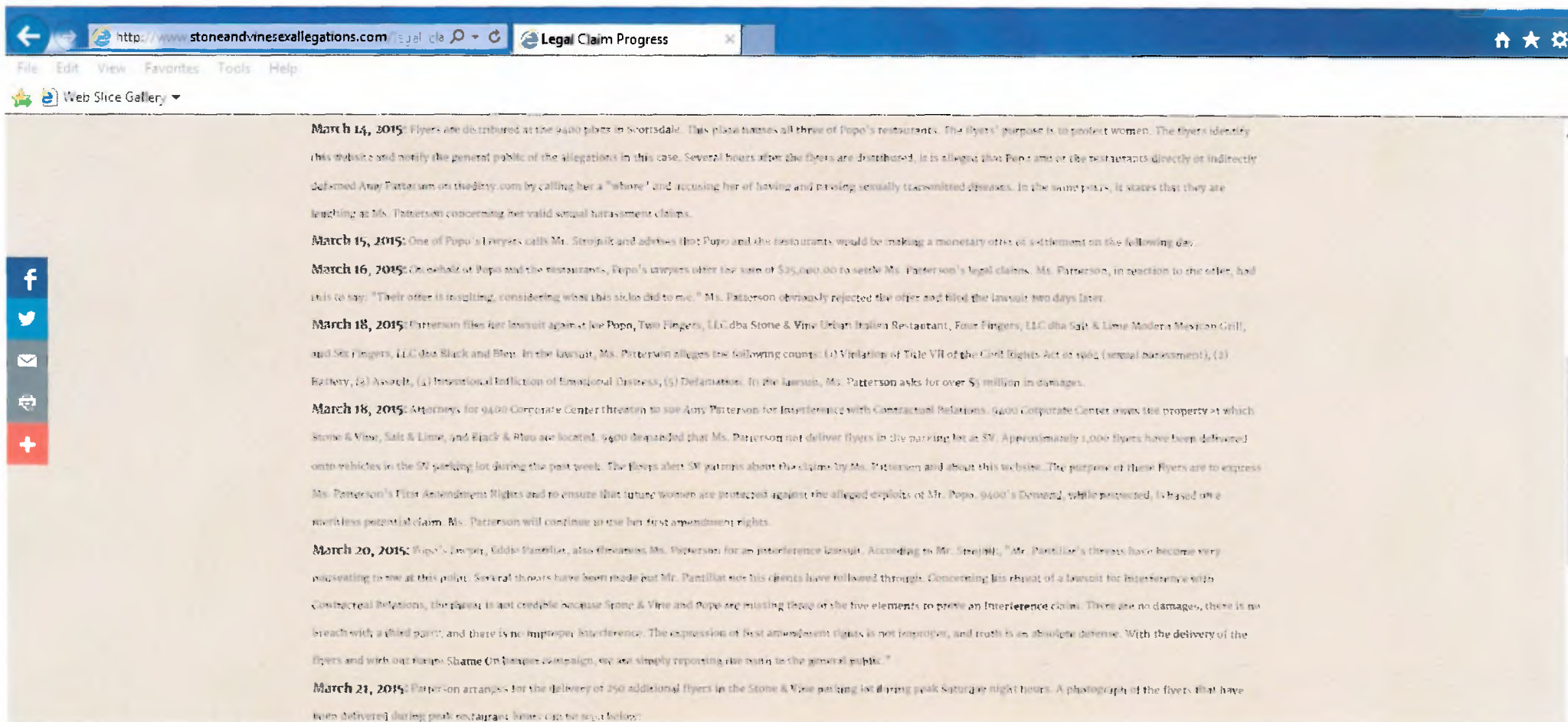
**February 2, 2015:** Attorney for Popo and Stone & Vine, Eddie Pantilat, sends Patterson's attorney a letter threatening to sue The Strójnik Firm LLC and Amy Patterson, for defamation. Pantilat demanded that this website be taken down and that "Shame On" banners not be placed at the Stone & Vine Restaurant. In the letter, Pantilat described Popo as having integrity and honesty even though it is alleged that Popo cheats on his wife, made unwanted and obscene sexual advances toward Patterson, and is alleged to be breaking federal law by employing undocumented workers. A full copy of Pantilat's letter threatening a lawsuit can be found [here](#). Popo's threats of a lawsuit are unwarranted because the statements contained on this website are true. Ms. Patterson has alleged disturbing sexual behavior by Mr. Popo with the federal government.

**February 3, 2015:** Popo's attorney asks Mr. Strójnik to take down this website because Popo and the various restaurants decided to under the defense the restaurants' insurance company. Patterson's attorney, Mr. Strójnik, agrees to do so as a sign of good faith.

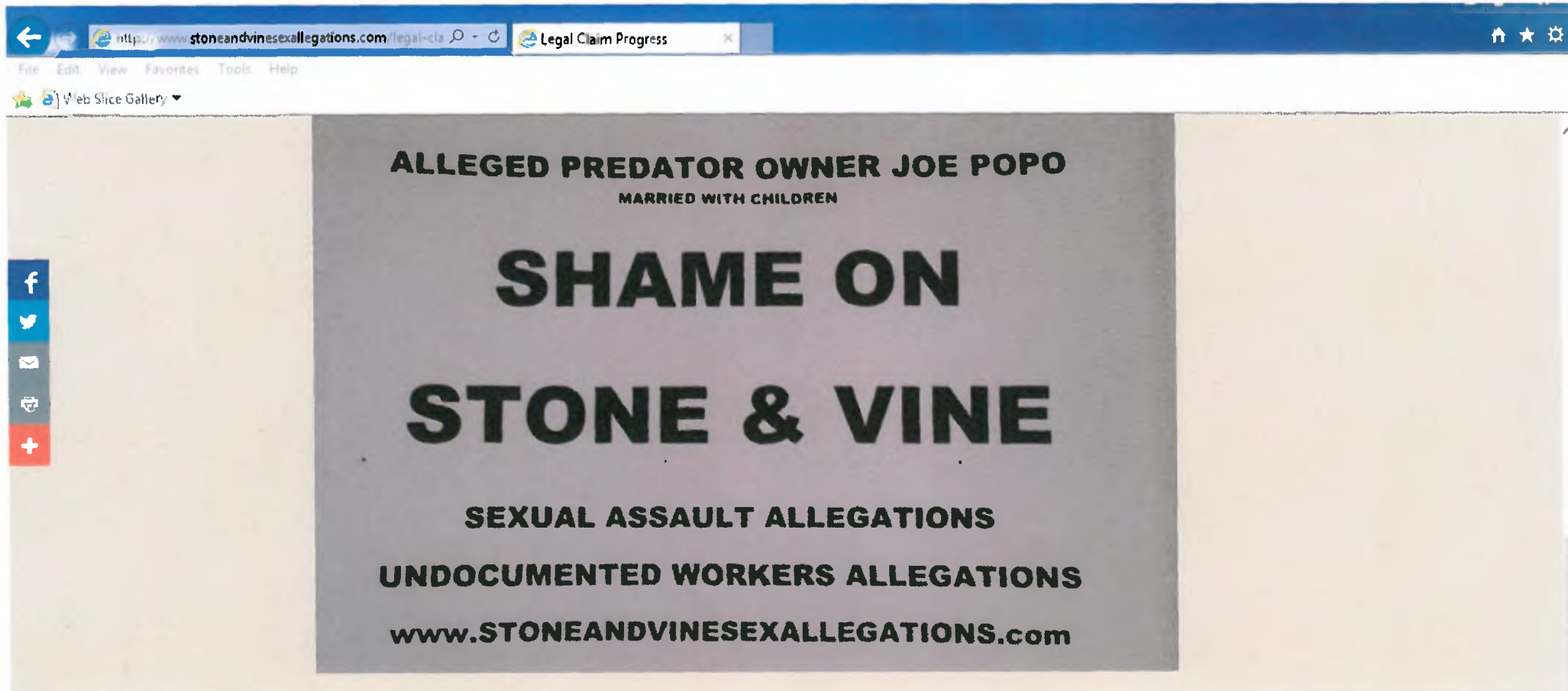
**March 9, 2015:** This website comes back online.

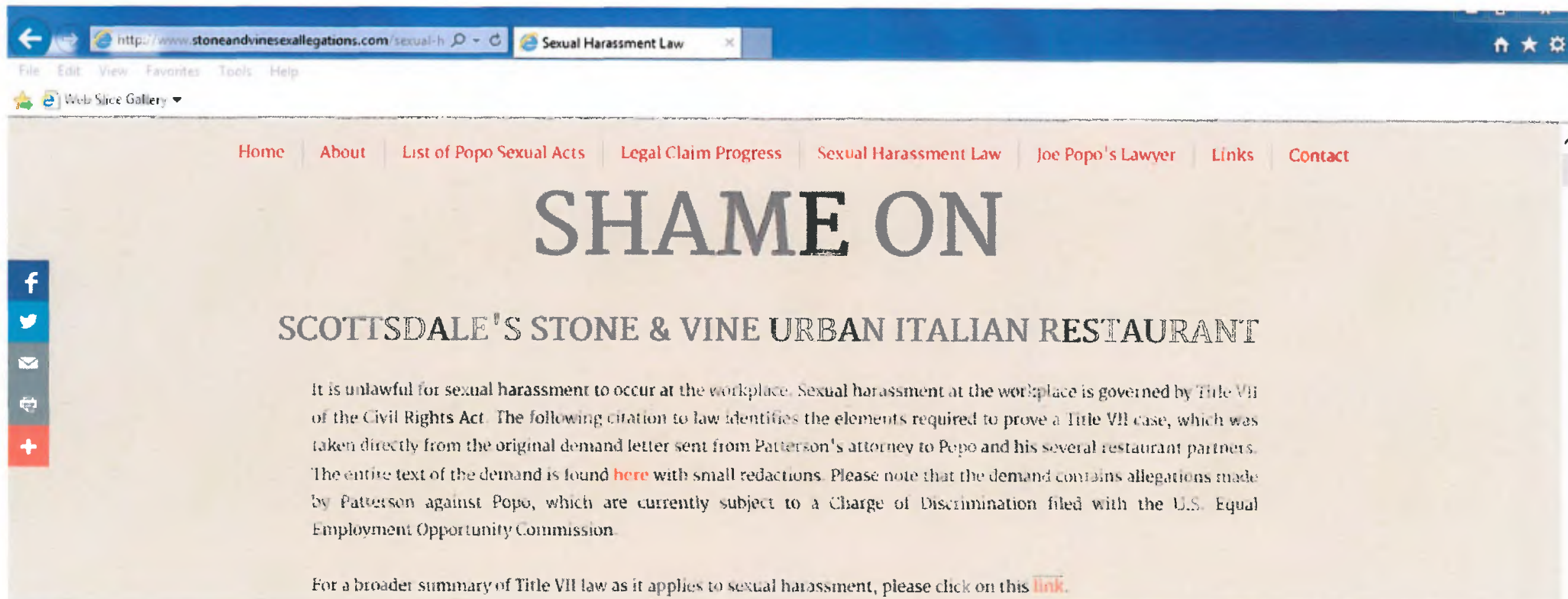
**March 10, 2015:** Mr. Strójnik receives three EEOC Rights to Sue Notices for Ms. Patterson's claims against Popo's three restaurants, Stone & Vine, Salt & Lime, and Black and Bleu. An EEOC Right to Sue letter is a letter that the Equal Employment Opportunity Commission must provide to a claimant before the claimant can sue in federal court under certain federal statutes, e.g. Title VII of the Civil Rights Act.











http://www.eeoc.gov/laws/types/sexual\_harassment.c... Sexual Harassment Law Sexual Harassment

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## Sexual Harassment

It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

### Employer Coverage

15 or more employees

### Time Limits

180 days to file a charge (may be extended by state laws)

Federal employees have 45 days to contact an EEO Counselor

### For more information, see:

- Fact: About Sexual Harassment
- Title VII of the Civil Rights Act of 1964
- Regulations 29 C.F.R. Part 1604.11
- Policy & Guidance
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← <http://www.stoneandvinesexallegations.com/joe-popo> Joe Popo's Lawyer

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# SHAME ON

## SCOTTSDALE'S STONE & VINE URBAN ITALIAN RESTAURANT

Joseph Popo, Stone & Vine, Salt & Lime, and Black & Blue are all represented by Eddie Pantilat of the law firm of Hyman, Goldstein & Pantilat. According to Arizona Corporation Commission records as of March 20, 2015, Mr. Pantilat also acts as the statutory agent for the three restaurants. Mr. Pantilat received his undergraduate degree from Northridge State and his law degree from Whittier Law School. Source: <http://scottsdale-lawyer.com/attorneys/eddie-a-pantilat/>. According to Arizona State Bar records, Mr. Pantilat has a history of discipline with the State Bar, which includes suspension and probation. Source: [State Bar of Arizona](#). The State Bar of Arizona is the agency that regulates the practice of law in the State of Arizona. Mr. Pantilat's online biography, including his photograph, is reproduced here:





Eddie Pantilat has been nominated by his peers as one of Arizona's Finest Lawyers. His practice emphasizes wrongful death, personal injury, medical malpractice, and product liability claims, as well as commercial litigation involving business disputes, corporate matters, construction and real estate, commercial trusts, and employment matters. Additionally, he has been specially trained in the practice of mediation. Mr. Pantilat's experience includes representation of many seriously injured victims of negligence, malpractice and dangerous products. He is responsible for the successful litigation of a wrongful death case that yielded a settlement of more than \$1.3 million for our client and a settlement of \$1.7 million in a personal injury case. His commitment to his clients has earned him a preeminent ranking on Martindale Hubbell. Mr. Pantilat has over a decade's experience in representing small- to mid-size businesses as general counsel, helping clients in areas including formation, employment agreements and contracts, shareholder agreements, and buy/sell agreements. Mr. Pantilat received his B.A. in Political Science from California State University in Northridge and his law degree from Whittier Law School. He is currently a member of the State Bar of Arizona, the American Trial Lawyers Association, and the Arizona Trial Lawyers Association. Source: <http://scottsdale-lawyer.com/attorneys/eddie-a-pantilat/>.

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### Eddie A. Pantiliat

EAP@LegalCounselors.com



Eddie Pantiliat has been nominated by his peers as one of Arizona's Finest Lawyers. His practice emphasizes wrongful death, personal injury, medical malpractice, and product liability claims, as well as commercial litigation involving business disputes, corporate matters, construction and real estate, commercial torts, and employment matters. Additionally, he has been specially trained in the practice of

mediation.

Mr. Pantiliat's experience includes representation of many seriously injured victims of negligence, malpractice and dangerous products. He is responsible for the successful litigation of a wrongful death case that yielded a settlement of more than \$1.3 million for our client and a settlement of \$2.7 million in a personal injury case. His commitment to his clients has earned him a preeminent ranking on Martindale Hubbell.

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### Our Attorneys

#### M. BRENT PEUGNET

Brent Peugnet has represented individuals and corporations in personal injury for both ...

#### Irving Hymson



Irving Hymson developed his analytical, drafting and negotiation skills in prominent New ...

#### David B. Goldstein



David Goldstein is an experienced litigator and transactional attorney, concentrating his practice ...

#### Eddie A. Pantiliat



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John L. Lohr, Jr. primary practice areas consist of Real Estate Law, ...

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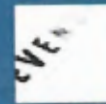
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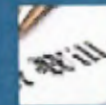
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Gordon Dudley provides both litigation and transactional representation for his clients. He ...

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Dennis Brookshire has over thirty years of legal experience representing business and ...


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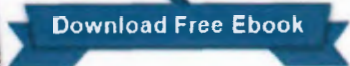

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To Attorney Irving Hymson  
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"Thank you so much for helping us out of our situation . . . You and your staff are everything an attorney's office should be and so much more! I will not hesitate to refer anyone needing an attorney to your office."

To Attorney Irving Hymson  
From Shen B. of Scottsdale, Arizona

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"I just wanted to tell you how much I appreciate all your work. I thoroughly enjoy the process of working with you. It's unfortunate that we need to meet up again under these circumstances. I feel so fortunate to have you as my counsel!"

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Rebecca Lee Donsky	Scottsdale, AZ	
Gordon E Dudley	Scottsdale, AZ	Business Law, Corporate Counsel, Litigation
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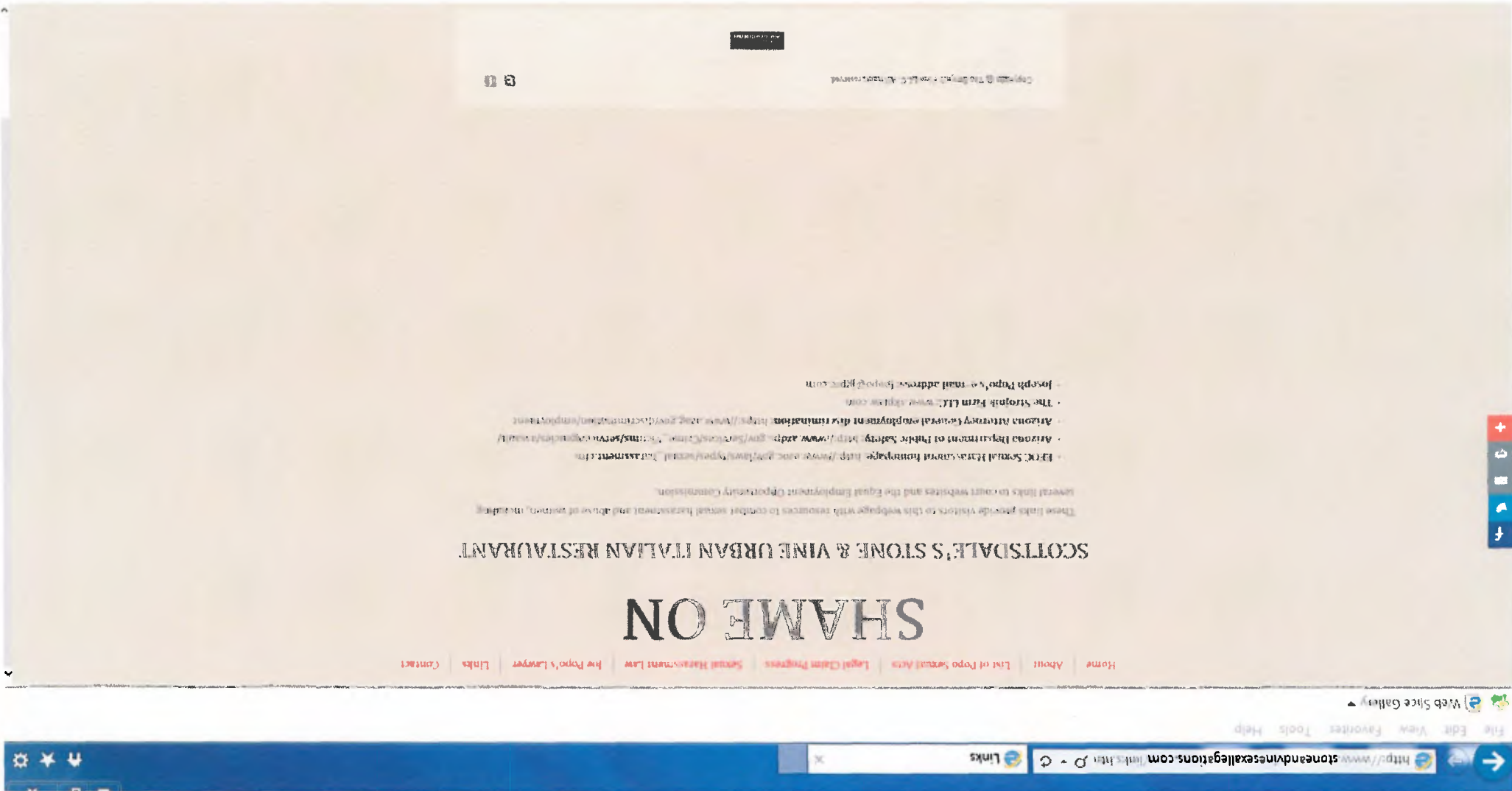
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# EXHIBIT G

Jason R. Mullis

---

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**

Begin forwarded message:

**From:** "Peter K. Strojnik" <[strojnik@skplaw.com](mailto:strojnik@skplaw.com)>  
**Date:** March 17, 2015 at 8:48:09 PM EDT  
**To:** "Robert W. Hellner" <[RHellner@wshblaw.com](mailto:RHellner@wshblaw.com)>  
**Cc:** Eddie Pantiliat <[EAP@legalcounselors.com](mailto:EAP@legalcounselors.com)>, Amy Patterson <[pattersona82@gmail.com](mailto:pattersona82@gmail.com)>  
**Subject:** Re: **CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY: Patterson Matter**

Stop talking, Robert. We've been definitive enough. You're beginning to sound silly now.

Cordially yours,

Peter Kristofer Strojnik

**From:** Robert W. Hellner  
**Sent:** Tuesday, March 17, 2015 5:42 PM  
**To:** Peter K. Strojnik  
**Cc:** Eddie Pantiliat; Amy Patterson  
**Subject:** Re: **CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY: Patterson Matter**

Your level of confidence in your own understanding of the facts and all the relevant considerations is admirable, and seems to have given you a very clear picture of what you believe the future holds. Unfortunately I cannot, with due respect, share that same confidence in your understanding or that you haven't failed to consider very relevant issues when thinking about this matter.

In any event, thank you for the clarification on your response. We'll leave it open, however, just in case your client like would like to sleep on it until tomorrow at 6 pm EST.



On Mar 17, 2015, at 8:16 PM, Peter K. Strojnik <[strojnik@skplaw.com](mailto:strojnik@skplaw.com)> wrote:

Exactly. Robert, I do not engage in hyperbole. What I say is what I do. I intend to destroy these restaurants. Two years from now, we'll wind up with quadruple, SV will be out of business, and Popo will sue Farmers on fiduciary issues. No big deal. We'll wait.

Cordially yours,

Peter Kristofer Strojnik

---

**From:** Robert W. Hellner  
**Sent:** Tuesday, March 17, 2015 4:53 PM  
**To:** Peter K. Strojnik  
**Cc:** Eddie Pantiliat; Amy Patterson  
**Subject:** Re: CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY: Patterson Matter

The hyperbole aside, I understand you to mean your client has no interest in settling for and that you of course informed her of that formal offer, as you are required to do regardless of what you may have been hoping for, before speaking on her behalf just now. Very quick work by you!

On Mar 17, 2015, at 7:34 PM, Peter K. Strojnik <[strojnik@skplaw.com](mailto:strojnik@skplaw.com)> wrote:

That's hilarious! Due respect, I don't think I've ever laughed harder. And an exploding offer? Even funnier. This will be fun. Thanks, Robert.

Cordially yours,

Peter Kristofer Strojnik

---

**From:** Robert W. Hellner  
**Sent:** Tuesday, March 17, 2015 4:26 PM  
**To:** '[strojnik@skplaw.com](mailto:strojnik@skplaw.com)'  
**Cc:** Eddie Pantiliat  
**Subject:** CONFIDENTIAL/FOR SETTLEMENT PURPOSES ONLY: Patterson Matter

**FOR SETTLEMENT PURPOSES ONLY**

Peter,

As part of our continued settlement discussions in this matter, I have conferred with my client and am authorized to make an offer to resolve all claims by your client and for a full release from your client for the amount of \_\_\_\_\_ at this time. This offer, however, is open only for 24 hours from the time of this correspondence, after which time my client has instructed me to rescind the offer. We appreciate that you will share this with your client immediately. We are available for any questions you may have in the interim.

Regards,

Bobby

**Robert W. Hellner**

Partner | Wood, Smith, Henning & Berman LLP  
222 East 41<sup>st</sup> Street, 21<sup>st</sup> Fl. | New York NY 10017  
rhellner@wshbllaw.com | TEL 212.999.7110 | FAX 212.999.7139

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# EXHIBIT H

**OWNER OF STONE & VINE RESTAURANT**

**SHAME ON**

**JOE POPO**

**!!!! SEXUAL ASSAULT ALLEGATIONS !!!!**

**[www.STONEANDVINESEXALLEGATIONS.com](http://www.STONEANDVINESEXALLEGATIONS.com)**

# EXHIBIT I



**Jason R. Mullis**

---

**From:**  
**Sent:**  
**To:**  
**Subject:**  
**Attachments:**

**From:** strojnik@skplaw.com [mailto:strojnik@skplaw.com]  
**Sent:** Friday, March 20, 2015 5:31 PM  
**To:** HOWARD WEISS  
**Cc:** Amy Patterson; strojnik@skplaw.com  
**Subject:** RE: Cease and Desist

Dear Howard,

I'm sorry. There is something going on with my e-mail system today. See attached.

I would also be happy to share witnesses with you regarding the undocumented workers situation. Our goal is to ensure absolute abidance of all law, including federal immigration law. I am very sure 9400 would be much more concerned about leasing to a company that is alleged to be violating federal immigration law versus some little 'ole fliers, and that your client certainly does not wish to aid or abet such activity. Please confirm your client does not aid and abet such activity. I am available for you next week or this weekend if you wish.

As a courtesy heads up, we will be distributing fliers on Sunday evening. Please let me know if you do not receive the attachment with this e-mail. Thanks much, Howard.

Cordially Yours,

Peter Strojnik

**THE STROJNIK FIRM LLC**

Esplanade Center III, Suite 700  
2415 East Camelback Road  
Phoenix, Arizona 85016

Phoenix Direct: 602.510.9409

Phoenix Fax: 602.916.0253

[Strojnisk@skplaw.com](mailto:Strojnisk@skplaw.com)

<http://www.skplaw.com>

<http://www.linkedin.com/in/peterstrojnik>

**Labor & Employment/Commercial Litigation**

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----- Original Message -----

Subject: RE: Cease and Desist

From: HOWARD WEISS <[HWeiss@ngdlaw.com](mailto:HWeiss@ngdlaw.com)>

Date: Fri, March 20, 2015 4:31 pm

To: "[strojnik@skplaw.com](mailto:strojnik@skplaw.com)" <[strojnik@skplaw.com](mailto:strojnik@skplaw.com)>

Cc: Amy Patterson <[pattersona82@gmail.com](mailto:pattersona82@gmail.com)>

Peter,

Thanks for your email. For some reason, there was not an attachment. Please resend the Complaint at your earliest convenience.

Thank you.



NUSSBAUM GILLIS & DINNER, P.C.

— ATTORNEYS AT LAW —

Howard J. Weiss, Esq.

Nussbaum Gillis & Dinner, P.C.

14850 N. Scottsdale Road

Suite 450

Scottsdale, Arizona 85254

Telephone: 480-609-0011

Fax: 480-609-0016

[www.ngdlaw.com](http://www.ngdlaw.com)



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**From:** [strojnik@skplaw.com](mailto:strojnik@skplaw.com) [<mailto:strojnik@skplaw.com>]

**Sent:** Friday, March 20, 2015 12:53 PM

**To:** HOWARD WEISS

**Cc:** Amy Patterson

**Subject:** RE: Cease and Desist

Dear Howard,

Attached please find the Complaint filed in the matter of *Patterson v. Two Fingers, LLC et al.* I ask that you refer to paragraph 38 and inquire whether your client has knowledge of this alleged illegal practice on its property. I have referred the matter to the DOJ and Immigration and Customs. I did not hear from you the other day, but I remain available to have a friendly chat. Thank you.

Cordially Yours,

Peter Strojnik

**THE STROJNIK FIRM LLC**

Esplanade Center III, Suite 700

2415 East Camelback Road

Phoenix, Arizona 85016

Phoenix Direct: 602.510.9409

Phoenix Fax: 602.916.0253

[Strojnik@skplaw.com](mailto:Strojnik@skplaw.com)

<http://www.skplaw.com>

<http://www.linkedin.com/in/peterstrojnik>

Labor & Employment/Commercial Litigation

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----- Original Message -----

Subject: RE: Cease and Desist

From: HOWARD WEISS <[HWeiss@ngdlaw.com](mailto:HWeiss@ngdlaw.com)>

Date: Wed, March 18, 2015 5:18 pm

To: "[strojnik@skplaw.com](mailto:strojnik@skplaw.com)" <[strojnik@skplaw.com](mailto:strojnik@skplaw.com)>

Peter,

Thank you. I will call you tomorrow.



NUSSBAUM GILLIS & DINNER, P.C.

ATTORNEYS AT LAW

Howard J. Weiss, Esq.

Nussbaum Gillis & Dinner, P.C.

14850 N. Scottsdale Road

Suite 450

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Telephone: 480-609-0011

Fax: 480-609-0016

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**From:** [strojnik@skplaw.com](mailto:strojnik@skplaw.com) [<mailto:strojnik@skplaw.com>]  
**Sent:** Wednesday, March 18, 2015 4:48 PM  
**To:** HOWARD WEISS  
**Subject:** RE: Cease and Desist

Hey Howard,

That sounds great! I don't really see any negative impact to 9400 considering that's some prime real estate that can be re-filled with another lessee quite quickly. Even if there was a cause of action for Interference, damages would be non-existent. I know a little something about Interference, but I'm sure you've done your research on that. I get what's going on though so yes, please call me tomorrow. I have something from 8-11 and 1-4. I am free otherwise. Thank you.

Cordially Yours,

Peter Strojnik

**THE STROJNIK FIRM LLC**

Esplanade Center III, Suite 700  
2415 East Camelback Road  
Phoenix, Arizona 85016  
Phoenix Direct: 602.510.9409  
Phoenix Fax: 602.916.0253  
[Strojnik@skplaw.com](mailto:Strojnik@skplaw.com)

<http://www.skplaw.com>

<http://www.linkedin.com/in/peterstrojnik>

**Labor & Employment/Commercial Litigation**

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----- Original Message -----

Subject: RE: Cease and Desist  
From: HOWARD WEISS <[HWeiss@ngdlaw.com](mailto:HWeiss@ngdlaw.com)>  
Date: Wed, March 18, 2015 4:33 pm  
To: "Peter K. Strojnik" <[strojnik@skplaw.com](mailto:strojnik@skplaw.com)>

Peter,

Thanks for your prompt response. I understand that you do not have an issue with my client, but my concern is the negative economic impact these actions will have on my client and the Shopping Center.

I will try to give you a call tomorrow to discuss.



NUSSBAUM GILLIS & DINNER, P.C.  
ATTORNEYS AT LAW

Howard J. Weiss, Esq.  
Nussbaum Gillis & Dinner, P.C.  
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Telephone: 480-609-0011  
Fax: 480-609-0016  
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V-Card Profile

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**From:** Peter K. Strojnik [<mailto:strojnik@skplaw.com>]  
**Sent:** Wednesday, March 18, 2015 4:20 PM  
**To:** HOWARD WEISS  
**Cc:** Amy Patterson; Robert W. Hellner; Eddie Pantiliat  
**Subject:** Re: Cease and Desist

Thank you for your letter. Trespassing is a matter for the PD. And I don't think 9400 would ever inject itself into this litigation even if it did have a cause of action, which it does not. The next time the fliers are posted, I recommend you allow the Scottsdale PD to sort it out.

As a side matter, I asked 9400 if it has security to ensure protection on the property. I asked because a witness advised me that a person named "Matt" was looking for my flier posters to beat them up. You have notice.

Give me a call if you want to talk. Our beef is with SV and this sick man Popo not your client. I want to find a middle ground. Btw, say hi to Dave McCarville for me. And thank you to your firm for being a sponsor at my childrens' school's upcoming fun fest. My firm sponsors too, it's a hoot. Thank you.

Cordially yours,

Peter Kristofer Strojnik

**From:** HOWARD WEISS  
**Sent:** Wednesday, March 18, 2015 4:01 PM



To: strojnik@sknlaw.com  
Subject: Cease and Desist

Mr. Strojnik,  
On behalf of my client, 94 Hundred Shea, LLLP, please see the attached letter. This matter requires your immediate attention.



NUSSBAUM GILLIS & DINNER, P.C.  
— ATTORNEYS AT LAW —

Howard J. Weiss, Esq.  
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# EXHIBIT J

Randy Nussbaum  
Gregory P. Gillis  
Dean M. Dinner  
Howard J. Weiss  
Scott J. Richardson  
David A. McCarville  
John E. Parzych  
Suzanne L. Diaz  
K. Derek Judd  
Scott R. Weiner  
Jody Buzicky



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F 480.609.0016  
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Of Counsel  
Steven A. Cohen

March 18, 2015

**VIA EMAIL (strojnik@skplaw.com) AND FIRST CLASS MAIL**

Peter Strojnik  
The Strojnik Firm  
2425 East Camelback Road, Suite 700  
Phoenix, Arizona 85016

**Re: Cease and Desist**

Dear Mr. Strojnik:

This office represents 94 Hundred Shea, LLLP, a Delaware limited liability limited partnership ("94 Hundred Shea"), the owner of the real property and improvements located at 9325, 9343, 9375 and 9397 E. Shea Boulevard, Scottsdale, Arizona (collectively the "Shopping Center"). My client has informed me that your law firm, on behalf of your client Amy Patterson, has created a "Shame On" campaign against Joe Popo and Stone and Vine Urban Italian Restaurant ("Stone and Vine"), one of the tenants at the Shopping Center. I have also been directed to the website that your firm created at [www.stoneandvinesexuallegations.com](http://www.stoneandvinesexuallegations.com) and received copies of the leaflets that have been placed on vehicles at the Shopping Center (see attached).

On behalf of 94 Hundred Shea, you are hereby demanded to immediately cease and desist from placing leaflets or any other form of communication on vehicles at the Shopping Center. These vehicles are located on private property and this unauthorized conduct constitutes trespassing, which will not be tolerated. In addition, to the extent that this unlawful conduct affects the business of Stone and Vine or any other tenants at the Shopping Center, such actions may be deemed tortious interference with the contractual relationships that 94 Hundred Shea has with its tenants.

My client takes this matter very seriously. If you fail to immediately comply with this demand, my client is prepared to pursue additional legal action to enforce its rights.

Sincerely,

NUSSBAUM GILLIS & DINNER, P.C.

Howard J. Weiss, Esq.

bp  
cc: 94 Hundred Shea, LLLP (via email)  
Enclosure

**OWNER OF STONE & VINE RESTAURANT**

**SHAME ON**

**JOE POPO**

**!!!! SEXUAL ASSAULT ALLEGATIONS !!!!**

**[WWW.STONEANDVINESEXALLEGATIONS.com](http://WWW.STONEANDVINESEXALLEGATIONS.com)**

# EXHIBIT K





**HYMSON GOLDSTEIN & PANTILIAT, PLLC**

ATTORNEYS, MEDIATORS & COUNSELORS

16427 N. SCOTTSDALE RD., SUITE 300 | SCOTTSDALE, AZ 85254  
480.991.9077 | 480.443.8854 FAX | WWW.LEGALCOUNSELORS.COM

*Our Business is Your Peace of Mind®*

From the Desk of  
Eddie A. Pantiliat  
EAP@hggplaw.com

January 30, 2015

**FOR SETTLEMENT PURPOSES ONLY ARE 408 AND FRE 408**

**VIEA EMAIL:** [strojnik@skplaw.com](mailto:strojnik@skplaw.com)  
**AND U.S. MAIL**

Peter Kristofer Strojnik, Esq.  
**THE STROJNIK FIRM, L.L.C.**  
Esplanade Center III  
2415 E. Camelback Rd., Suite 700  
Phoenix, Arizona 85016

Re: Popo, et al. adv. Patterson

Dear Mr. Strojnik:

We have reviewed your January 12, 2015 letter and conferred with our client. Based on the allegations contained in your letter, it appears that Ms. Patterson has provided you with false and misleading information regarding her employment and eventual quit from the Company. While the Company is not opposed to discussing the facts and allegations, this letter demonstrates in an abbreviated fashion the factual inaccuracies and unsupportable allegations of Ms. Patterson.

**Factual Background**

Ms. Patterson's behavior in the work place differs substantially from the portrayal in your letter. Ms. Patterson was very promiscuous and flirtatious in the workplace. Ms. Patterson constantly drank to excess in the workplace and would have to be picked up off the floor and taken home on numerous occasions. Our investigation also revealed that Ms. Patterson aggressively initiated sexual relations with several employees:

- Ms. Patterson aggressively initiated sexual relations with a male employee who she gave oral sex to while in the car of a parking lot. Shockingly, afterwards, she sent a text message to a female employee where she stated "His cum tasted like an Abba Zabba." Later, she also texted that same employee: "I have officially banned myself from Salts margaritas. They're too strong. Every time . . . night ends in some sort of shameful situation." Even more shockingly, Ms. Patterson also told Mr. Popo about her sexual relations with this male employee and said, "his taste reminds me of my favorite candy bar."

Peter Kristofer Strojnik, Esq.  
**THE STROJNIK FIRM, L.L.C.**  
January 30, 2015  
Page 2

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- Ms. Patterson aggressively pursued sexual relations with another male employee to the point of her behavior modeling that of a stalker. Ms. Patterson made many vulgar comments to a female employee about this male employee until Ms. Patterson sent the female employee a text message that Ms. Patterson was “officially going to stop per[su]ing [him]!!!” And, when the female employee asked what happened, Ms. Patterson responded: “Nothing at all.....!!!! That’s my point.” Ms. Patterson’s actions were so severe and pervasive that the male employee submitted a sexual harassment complaint to the Company’s acting human resource representative at that time, Amanda Fearon, and Ms. Patterson was counseled by Ms. Fearon not to engage in that type of behavior in the future. She also made comments to the male employee such as “I would like to introduce you to my vagina,” and, after she finally was told that she was sexually harassing him she told him, “I have stopped trying to bang you.”

- Ms. Patterson aggressively initiated and had a sexual relationship with another male employee, which went on for about a month before he terminated it.

- Ms. Patterson aggressively initiated a sexual encounter with a female employee and inappropriately touched the female employee on occasions when the female employee would drive her home from work.

- Ms. Patterson aggressively initiated a sexual encounter with another male employee that he repeatedly had to ignore before she finally stopped.

And, contrary to her allegations, Ms. Patterson, upon her own volition, sent nude photos of *herself* to Mr. Popo. She also inappropriately touched him on several occasions.

Ms. Patterson was ultimately separated from employment when she submitted her resignation to Amanda Fearon, Director of Operations, on or about December 27, 2014, after the Company received and informed her of a Yelp review of Black and Bleu which personally named Ms. Patterson as being “the rudest person I have ever come across.”

We are advocates of Stone and Vine, which we always enjoy, and have also tried Salt and Lime a couple of times and quite like it. Hence is why we thought we would finally give Balck [sic] and Bleu a try, even though we had heard nothing good about it to date. We like to give new place the benefit [sic] of the doubt that they are trying their best to make customers happy and would like for them to return. We stated this evening at Stone and Vine to celebrate an early Christmas with friends, then 4 of us thought we would have a nightcap at the fireplace outside at Black and Bleu. We were surprised that a few days before Christmas, this place was empty as the other restaurants in the plaza were jammed. We ordered a lovely bottle of red, and so far so good. The waitress returned to see we needed a second bottle, but they only had one of the wine we were drinking (she said that they only ever order two of these at a time?!). This is not a biggie, so we selected a different bottle and continued to chat.

Peter Kristofer Strojnik, Esq.  
THE STROJNIK FIRM, L.L.C.  
January 30, 2015  
Page 3

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We were not quite finished, but close, when a gal we had not seen at all during the evening approached our table and VERY rudely said it was time to leave! She didn't even want to give us the time to finish what we had left! We are all very polite people, but were taken aback at her horridly rude and aggressive attitude, which came out of nowhere! We asked for the manager, and lo and behold she was it . . . really? Anytime we said anything, such as the waitress never mentioned the restaurant was close to closing when we ordered the second bottle, she jumped down our throats that we had no place in complaining and that WE were the ones giving her grief! REALLY!!!? I can't tell you how many people I will tell to not go there, and of course we will never return! Her name is Amy, and personally, I think Amy should not be in any position that deals with the public as her attitude is the rudest I have ever come across, and we are out app. 4 times a week, so that is saying a lot! Scottsdale has too many wonderful restaurants with wonderful people serving and managing them. Go elsewhere!

Ms. Patterson was not constructively discharged.

#### Legal Analysis

First, the Company rejects your claims regarding immigration and E-verify.

Second, Ms. Patterson will not be able to establish a claim of actionable sexual harassment. Mr. Popo denies the allegations that he ever touched Ms. Patterson inappropriately. As shown above, no one corroborates Ms. Patterson's allegations of sexual advances towards her by Mr. Popo. In fact, our investigation revealed the exact opposite, that Ms. Patterson has a history of sexually pursuing other employees and managers, having sexual relations with several other employees, and having a sexual harassment complaint made *against her*.

Ms. Patterson's sexual harassment allegation would likely be considered a "hostile environment" claim.<sup>1</sup> "To make a prima facie case of a hostile work environment, a person must show 'that: (1) she was subjected to verbal or physical conduct of a sexual nature, (2) this conduct was unwelcome, and (3) the conduct was sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment.'" *Fuller v. City of Oakland*, 47 F.3d 1522, 1527 (9th Cir.1995). Additionally, "[t]he working environment must both subjectively and objectively be perceived as abusive." *Id.* In a hostile environment claim the Company can assert an affirmative defense demonstrating that it acted reasonably and that Ms. Patterson acted unreasonably. *Craig v. M&O Agencies, Inc.*, 496 F.3d 1047, 1054 (9<sup>th</sup> Cir. 2007).

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<sup>1</sup> Based on your own facts Ms. Patterson could not allege a *quid pro quo* claim as you allege that she was continually promoted by the Company.  
519210.4/19538-02:CDR  
1314315v4

Peter Kristofer Strojnik, Esq.  
**THE STROJNIK FIRM, L.L.C.**  
January 30, 2015  
Page 4

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Ms. Patterson will be unable to prove a prima facie case of a hostile work environment claim. There is no evidence that she was subjected to verbal sexual or physical conduct by Mr. Popo. Second, Ms. Patterson will be hard pressed to prove that any alleged conduct was unwelcome when she herself inappropriately spoke to and touched Mr. Popo. "[W]hether an environment is "hostile" or "abusive" can be determined only by looking at all the circumstances." *Harris v. Forklift Systems, Inc.*, 114 S.Ct. 367, 371 (1993). And, "simple teasing, offhand comments, and isolated incidents (unless extremely serious) will not amount to discriminatory changes in the terms and conditions of employment." *Faragher v. City of Boca Raton*, 524 U.S. 788 (1998). Finally, she will not be able to prove that any alleged conduct was severe or pervasive enough to create an abusive working environment. A telling fact is that Ms. Patterson never complained to anyone about this alleged sexual harassment by Mr. Popo. Ms. Patterson was aware of the Company's Employee Handbook which included a Harassment Free Workplace policy and a Complaint Procedure. Further, she knew there was an avenue to complain to the Company about sexual harassment because she had been on the receiving end of a sexual harassment complaint by another employee. Yet, Ms. Patterson never complained to anyone about the alleged sexual harassment by Mr. Popo. Ms. Patterson "unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise." *Chaloult v. Interstate Brands Corporation*, 540 F.3d 64, 74 (2008). Ms. Patterson's sexual harassment claim will be defeated.

Third, Ms. Patterson will not be able to establish a claim of intentional infliction of emotional distress. "Arizona law is clear that an employer is rarely liable for intentional infliction of emotional distress when one employee sexually harasses another. Liability for the employer typically attaches only when a company utterly fails to investigate or remedy the situation." *Craig v. M&O Agencies, Inc.*, 496 F.3d 1047, 1059-1060 (9<sup>th</sup> Cir. 2007). In this matter, Ms. Patterson failed to complain to the Company about the alleged harassment. Therefore, she will not be able to prove that the Company failed to investigate or remedy a situation about which Ms. Patterson never complained.

Fourth Ms. Patterson will not be able to establish a claim of battery or assault because Mr. Popo never inappropriately touched her.

In sum, based on the foregoing, Ms. Patterson's claims against the Company lack factual and legal merit. Should Ms. Patterson decide to pursue her false and spurious claims against the Company it intends to fully and vigorously defend against such claims. Further, be advised that the Company and Mr. Popo will take immediate action should you or your client proceed with publishing the defamatory statements you have set forth in your letter.

Based on the foregoing, your demand is rejected. If you wish to discuss the matters set forth herein further, please contact me.

Peter Kristofer Strojnik, Esq.  
**THE STROJNIK FIRM, L.L.C.**  
January 30, 2015  
Page 5

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Be advised that effectively immediately Ms. Patterson and anyone subject to her direction and control must preserve evidence and is required to preserve, maintain and protect it in its present state from destruction, modification or alteration, any documents, data, software and other things that relate to the matters related to her employment and quit from the Company. The admonition and itemization provided by you in your January 12, 2015 letter are equally applicable to Ms. Patterson.

Sincerely,



Eddie A. Pantiliat

EAP:lnb

cc: Mr. Joe Popo (via email)



# EXHIBIT L

## THE STROJNIK FIRM LLC

ATTORNEYS AT LAW

ESPLANADE CENTER III, 2415 EAST CAMELBACK ROAD, SUITE 700, PHOENIX, ARIZONA 85016

PHONE: 602.510.9409 | FAX: 602.916.0253 | WEBSITE: WWW.SKPLAW.COM

February 1, 2015

### RULE 408

### SETTLEMENT COMMUNICATION

Eddie Pantiliat, Esq.  
Hymson, Goldstein & Pantiliat, PLLC  
16427 North Scottsdale Road, Suite 300  
Scottsdale, Arizona 85254

### VIA ELECTRONIC MAIL

Re: Rule 408 Settlement Communication  
*Patterson adv. Two Fingers, LLC; Four Fingers, LLC; Six Fingers, LLC*

Dear Mr. Pantiliat:

Please consider this correspondence an offer to resolve the sexual harassment claims. My client now offers \$600,000.00 for full and final resolution. This offer will expire this Friday, February 6, 2015.

I have reviewed your correspondence from Friday, which does not dissuade my client in the least. As an initial matter, you sent me a letter with page one missing, which causes me to not lend much credibility to the letter or your defense. My client is not dissuaded and therefore now increases her offer for several reasons.

**First**, it is clear that you do not know the first thing about federal employment discrimination law. Based on your analysis, I am respectfully even more confident in this prosecution. Assuming it is true that Ms. Patterson sent Mr. Popo a naked photograph, which it is not, that does not give Popo the right to sexually assault her at the workplace. Assuming it is true that Ms. Patterson sexually harassed a fellow employee, which it is not, that does not give Popo the right to expose his penis to her. I particularly enjoyed your reference to quid pro quo. You respectfully misunderstand that concept entirely.

**Second**, your correspondence assumes that we do not wish to prosecute a valid claim and wind up with nothing in the end. While that certainly will not be the case as I value this case at \$1.3 million, you are dealing with two persons who are solvent and motivated. My client has found a new job, and my law firm is fortunate enough to take on

pro bono cases such as this one. Accordingly, win, lose or draw, we are in for the long haul.

In an e-mail you intimated that Ms. Patterson will be exposed. There is nothing to expose. But, Mr. Popo and his restaurants will be exposed.

- As we speak, my creative is working on the artwork for the standard-sized "Shame On" banner that will be placed in a public area in front of Stone & Vine once this week during happy hour times. The next week, it will be placed there on two days. The following week, three days. And so on. And when it becomes every day, I will ask my creative to print a new banner for Salt & Lime. And so on, and so on. You would be surprised at how inexpensive this is and how experienced I am at this.
- Please visit the website [www.stoneandvinesexallegations.com](http://www.stoneandvinesexallegations.com). It would be unwise to file a countersuit against Ms. Patterson. It would only add salt to Mr. Popo's ultimate wounds.
- CBS 5 Investigates is currently reviewing the allegations.
- My client and I are meeting with the DOJ next week to discuss Stone & Vine's alleged hiring and harboring of undocumented workers.
- My client and I are meeting with Scottsdale police detectives the week of February 9, 2015.

So, my client is comfortable with exposure. She has nothing to hide. Please remind Mr. Popo that everything that is coming his way is of his own doing. He chose to sexually harass and assault my client. He chose to reject our generous offer.

**Third**, Mr. Popo hired a lawyer. A review of the Maricopa County Superior Court docket reveals that each time he was sued, he did not hire counsel and simply allowed for a judgment to be entered against him. In this case, he has hired a lawyer which shows (a) that he cares if this judgment is entered against him, and (b) that he wants to resolve it before there is exposure.

**Fourth**, your clients hired you. Respectfully, if they intended on vigorously defending this action, they would have hired Ogletree Deakins, Littler Mendelson, Quarles & Brady, Lewis & Roca, or Jones Skelton and Hochuli, who all have experienced employment defense litigation teams. I do not believe for a second that Mr. Popo intends on defending this action, although I welcome it. I see the retention of you and last week's letter as simply an attempt to negotiate. We will not play along.

**Fifth**, your clients are not insured, which means that they will be paying you out of pocket.

**Sixth**, all of your factual claims are false. For example, had you truly believed your clients actually had a sexual harassment policy applicable to Ms. Patterson, you would have sent me the policy or employee handbook.

**Seventh**, several witnesses are coming out of the woodwork. Past consultants, past employees, past victims. I anticipate even more now with the opening of the website [www.stoneandvinesexualallegations.com](http://www.stoneandvinesexualallegations.com).

Our revised offer is open until Friday. During the interim, we are moving forward with the prosecution. Your clients are free to test our resolve, but they will be disappointed.

Very Truly Yours,

The Strojnik Firm L.L.C.



Peter Kristofer Strojnik



**HYMSON GOLDSTEIN & PANTILIAT, PLLC**

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*Our Business is Your Peace of Mind®*

From the Desk of  
**Eddie A. Pantiliat**  
EAP@hgplaw.com

February 2, 2015

**VIA EMAIL:** [strojnik@skplaw.com](mailto:strojnik@skplaw.com)  
**AND U.S. MAIL**

Peter Kristofer Strojnik, Esq.  
**THE STROJNIK FIRM, L.L.C.**  
Esplanade Center III  
2415 E. Camelback Rd., Suite 700  
Phoenix, Arizona 85016

Re: Popo, *et al.* adv. Patterson

Dear Mr. Strojnik:

We have reviewed your February 1, 2015, letter in which you state that you have created a website: [www.stoneandvinesexallegations.com](http://www.stoneandvinesexallegations.com). Through this website you and your client, Amy Patterson, have published defamatory statements about Joseph Popo and Stone and Vine Urban Italian. You have also threatened to display a "Shame On" banner at Stone and Vine's location. We send this letter with a demand that you and Ms. Patterson immediately take down your defamatory website and do not display a "Shame On" banner anywhere near any of Mr. Popo's businesses.

Joseph Popo and his restaurant, Stone and Vine Urban Italian, are well respected in the community. Ms. Patterson has made unfounded allegations of sexual harassment against Mr. Popo. Your website is filled with false and misleading statements, some of which are:

1. A main tab is "Lawsuit Progress" and there is no lawsuit on file and none can be filed until after Ms. Patterson receives her Notice of Right to Sue from the EEOC.
2. The website includes numerous false statements that Mr. Popo "sexually preyed on her," "shaved penis at work to her, touching her breasts, forcibly French kissing her, sending her sexual text messages, and repeatedly asking her to join him in a threesome with Amanda Fearon."
3. The website includes the false statement that Mr. Popo is "having a sexual affair with Amanda Fearon."



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4. And, you even go so far as to include your “Rule 408” demand letter under your “Sexual Harassment Law” tab which includes much of the same and more inflammatory and false statements such as Mr. Popo allegedly “grabbing” Ms. Patterson and “sticking his tongue down her throat, rub[ing] his penis from the outside while speaking with her,” etc.

Your untrue, baseless and defamatory statements about Mr. Popo have denigrated his honesty and integrity and have negatively impacted his reputation and his business. Your actions equate to the torts of defamation, injurious falsehood, false light and interference with business expectancies subjecting yourself and Ms. Patterson to liability. *Turner v. Devlin*, 174 Ariz. 201, 204, 848 P.2d 286, 289 (Ariz., 1993) citing *Godbehere v. Phoenix Newspapers, Inc.*, 162 Ariz. 335, 341, 783 P.2d 781, 787 (1989); *Pre-Fit Door, Inc. v. Dor-Ways, Inc.*, 13 Ariz.App. 438, 477 P.2d 557 (Ct. App. 1970).

Defamation is defined as follows:

ONE WHO PUBLISHES A FALSE AND DEFAMATORY COMMUNICATION CONCERNING A PRIVATE PERSON, OR CONCERNING A PUBLIC OFFICIAL OR A PUBLIC FIGURE IN RELATION TO A PRIVATE MATTER, IS SUBJECT TO LIABILITY, IF, BUT ONLY IF, HE

- (a) KNOWS THAT THE STATEMENT IS FALSE AND THAT IT DEFAMES THE OTHER,
- (b) ACTS IN RECKLESS DISREGARD OF THESE MATTERS, OR
- (c) ACTS NEGLIGENTLY IN FAILING TO ASCERTAIN THEM.'

*Peagler v. Phoenix Newspapers, Inc.*, 114 Ariz. 309, 315, 560 P.2d 1216, 1222 (1977). “To be defamatory, a publication must be false and must bring the defamed person into disrepute, contempt, or ridicule, or must impeach plaintiff’s honesty, integrity, virtue, or reputation.” *Turner v. Devlin*, 174 Ariz. 201, 204, 848 P.2d 286, 289 (Ariz. 1993), citing *Godbehere v. Phoenix Newspapers, Inc.*, 162 Ariz. 335, 341, 783 P.2d 781, 787 (1989). Your statements amount to defamation. The statements are false and they impeach Joseph Popo’s honesty, integrity, virtue and reputation.

You may also be liable under an injurious falsehood claim. “[I]njurious falsehood is the publication of matter derogatory to the plaintiff’s business which is calculated to prevent others from dealing with him.” *Aldabbagh v. Arizona Dept. of Liquor Licenses and Control*, 162 Ariz. 415, 421, 783 P.2d 1207, 1213 (Ariz.App., 1989) citing *Western Technologies, Inc. v. Sverdrup & Parcel, Inc.*, 154 Ariz. 1, 4, 739 P.2d 1318, 1321 (App. 1987).

*Restatement (Second) of Torts* § 623A provides as follows:

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One who publishes a false statement harmful to the interests of another is subject to liability for pecuniary loss resulting to the other if

- (a) he intends for publication of the statement to result in harm to interests of the other having a pecuniary value, or either recognizes or should recognize that it is likely to do so, and
- (b) he knows that the statement is false or acts in reckless disregard of its truth or falsity.

You published derogatory statements about Joseph Popo where you intended to prevent others from dealing with him and his business. Thus, a court may find you liable under the injurious falsehood claim.

You may also be liable to Joseph Popo under a claim of false light. According to the *Restatement (Second) of Torts* § 652E:

One who gives publicity to a matter concerning another that places the other before the public in a false light is subject to liability to the other for invasion of his privacy, if

- (a) the false light in which the other was placed would be highly offensive to a reasonable person, and
- (b) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.

Your derogatory statements about Joseph Popo placed him in a false light. These statements would be highly offensive to a reasonable person in the community. In addition, you had knowledge of the falsity or acted in reckless disregard for your actions when making the statements against Joseph Popo.

Joseph Popo also has a claim for tortious interference with business expectancies against you and Ms. Patterson. Arizona courts follow the *Restatement of Torts* § 766, which defines liability for intentional interference with business expectancies. A person commits that tort when “. . . without a privilege to do so, [the person] induces or otherwise purposely causes a third person not to . . . enter into or continue a business relation with another . . .” The tort-feasor is liable “. . . for the harm caused thereby.” The business relation need not be previously established in order for a plaintiff to maintain a cause of action for interference with business expectancy so long as the plaintiff had a reasonable expectation of doing business with a particular customer. A defendant commits the tort if the plaintiff's customers are diverted from plaintiff or people with whom the plaintiff wished to deal are kept away.

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Joseph Popo's business relies on the community's perception of him and his business as having integrity and that values the people of his community. Any person that reads the defamatory website will most likely not patronize Ms. Popo's business due to your negative portrayal of him. Your actions have and are damaging Joseph Popo's business monetarily. **You should be aware that false statements about a person's business, trade, or professional conduct, are defamatory per se-actionable without proof of actual damages. In other words, damages are presumed by your actions. In addition, your actions may have exposed you to punitive damages as well.**

Your actions further demonstrate that you are trying to prejudice the public with your false statements which is a violation of *Arizona Ethics Rule 3.6*<sup>1</sup> and also *Ethics Rule 8.4(c)*<sup>2</sup>.

Your letter also makes no sense. You demand payment of \$600,000.00, which offer expires on February 6, 2015, and in the meantime, you are creating defamatory websites and banners. Your actions do not facilitate settlement but rather only deter it.

Joseph Popo demands that you immediately take down the defamatory website, [www.stoneandvinesexallegations.com](http://www.stoneandvinesexallegations.com) and do not display any "Shame On" banners anywhere near Mr. Popo's businesses. Please confirm in writing **by close of business tomorrow** that you will honor this demand or Mr. Popo will seek court intervention and will seek actual and punitive damages for the defamatory statements.

Sincerely,



Eddie A. Pantiliat

EAP:lnb

cc: Mr. Joe Popo (via email)

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<sup>1</sup> *E.R. 3.6(a)* provides: "A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter."

<sup>2</sup> *E.R. 8.4(c)* provides: "It is professional misconduct for a lawyer to: . . . (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; . . ."